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Firearms Owners Against Crime (FOAC) Sues Harrisburg for its 'unlawful' gun ordinances :: 01/16/2015

HARRISBURG- A [Pennsylvania gun owners group that threatened to sue Harrisburg over its gun ordinances](#) made good on the ultimatum Friday by filing an 87-page complaint in Dauphin County Court.

The lawsuit represented the second filed this week against Harrisburg, one week after a new state law went into effect making it easier for gun owners to sue municipalities over gun ordinances.

The new lawsuit, filed by the Prince Law Office, ups the ante from [the first lawsuit filed by the McShane Law Firm](#), by seeking financial damages.

Both lawsuits aim to force the city to rescind five ordinances that pertain to firearms, and ask for reimbursement for legal fees. Both lawsuits allege the city's ordinances are unlawful because the state alone has the authority to regulate firearms.

But the new lawsuit also alleges the city of Harrisburg is violating gun owners' Second Amendment rights because they fear prosecution and can't defend themselves under the ordinances, which they say make no distinction for lawful gun use.

The new lawsuit seeks financial damages to cover lost income during litigation and deprivation of civil liberties, said Joshua Prince, who filed the lawsuit. The amount will be determined by the court or a jury, he said.

Four gun owner groups initially retained Prince, but just one group, Firearm Owners Against Crime, and four individual plaintiffs filed the lawsuit Friday. The other gun groups plan to file suit in the near future if the capital city doesn't repeal its ordinances, Prince said.

Additional lawsuits against Harrisburg could be filed by other groups under the new state law known as Act 192 that expands the legal definition of who can sue and allows plaintiffs to retrieve legal fees. The law went into effect Jan. 5.

The constitutionality of Act 192 has already been called into question, because of the manner in which it was passed. Lawmakers tacked it onto a bill about scrap metal thefts.

[Several cities have filed a lawsuit asking the court to knock down the law.](#)

Leaders of cities with gun ordinances have said the lawsuits allowed under Act 192 could seriously financially damage municipalities that are already struggling.

But Prince said Harrisburg city leaders could have simply repealed its gun ordinances, [as some other cities have](#), instead of "gloating" by standing firm on them.

Mayor Eric Papenfuse has previously said the city would not repeal its ordinances. Papenfuse told PennLive he believed the ordinances were important for public safety.

His quotes to PennLive were repeatedly noted in the lawsuit filed Friday as proof of the city's intent to continue to enforce the ordinances.

Specifically, the ordinances [forbid possession of guns by minors and discharging of guns in the city](#) and in parks; [mandate reporting of lost or stolen guns](#); and [prohibit the sale or display of guns while the city is under a state of emergency](#).

Papenfuse has defended the city's ordinances as representing "common sense," and questioned why anyone would want to make it easier for young teens to carry guns in the city without adult supervision.

Now, even if Harrisburg repeals its ordinances, Prince can't guarantee his clients would drop their lawsuit.

"It will depend on the terms the city proposes," he said. "As my clients are not looking to burden the taxpayers of Harrisburg, I believe if the City were to repeal its ordinances and pay for all attorney fees and costs incurred

by my clients thus far, they would be willing to settle the matter."

Reached Friday afternoon, Papenfuse said he wished organizations that claim to be against crime would "sit down with city officials to work out commonsense ways of making our city safer-- not waste resources battling in court about ways to make it easier to arm teenagers or avoid reporting stolen weapons to the police."

Read the entire lawsuit: [here](#).

http://www.pennlive.com/midstate/index.ssf/2015/01/harrisburg_gun_ordinances_act.html